

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES WOODRUFF,

Plaintiff,

CV 07-807-MA

v.

ORDER FOR REMAND

MICHAEL J. ASTRUE,
Commissioner of
Social Security

Defendant.

Based on the stipulation of the parties, it is hereby ORDERED that the Commissioner's final decision be reversed and remanded for a de novo hearing and further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) to: (1) further evaluate Plaintiff's credibility; and (2) give consideration to the written statement of Penni Donnelly. Plaintiff may also present new arguments and further medical evidence, if such evidence becomes available.

This case is reversed and remanded to the ALJ on the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider Plaintiff's

application for costs and attorney's fees under 28 U.S.C. § 2412(d) .

DATED this 16 day of June, 2008.

/S/ MALCOLM F. MARSH
Malcolm F. Marsh
United States District Judge